

Message Text

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FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 8125

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TAGS: SHUM, PFOR, PINS, PINT, PORC, EAID, EFIN

SUBJ: HUMAN RIGHTS: 1976 REPORTING REQUIREMENTS: AUSTRALIA

REF: STATE 45319

1. THE AUSTRALIAN CONSTITUTION WAS DESIGNED BASICALLY TO REGULATE RELATIONS BETWEEN THE STATE AND FEDERAL GOVERNMENTS. IT CONTAINS NO BILL OF RIGHTS ALTHOUGH THERE ARE TWO CLAUSES PROVIDING FOR RELIGIOUS TOLERANCE AT THE FEDERAL LEVEL AND GUARANTEEING THE RIGHT OF TRIAL BY JURY IN FEDERAL CASES. AS IN ENGLAND, THE MOST FUNDAMENTAL GUARANTEES OF HUMAN RIGHTS IN AUSTRALIA ARE BASED UPON THE COMMON LAW AND THE GREAT WRITS, NOTABLY HABEAS CORPUS.

2. AUSTRALIAN HISTORY AND TRADITION IS DEMOCRATIC AND EGALITARIAN. BASIC HUMAN RIGHTS ARE STRONGLY VALUED HERE AND THE AUSTRALIAN BAR IS AS ZEALOUS AS ITS AMERICAN COUNTERPART IN DEFENDING THEM.

3. THERE ARE ARREST PRACTICES, RULES ON THE ADMISSIBILITY OF EVIDENCE, AND BAIL PROCEDURES IN AUSTRALIA WHICH IN SOME PARTICULARS WOULD PROBABLY BE RULED UNCONSTITUTIONAL BY THE WARREN COURT, BUT MEASURED BY ANY LESS RIGID STANDARD AUSTRALIA IS ONE OF THE FEW COUNTRIES IN THE WORLD WHERE RESPECT FOR THE RIGHTS OF INDIVIDUALS IS STILL AN OVERRIDING CONCERN.

HARGROVE

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